

**BEFORE THE  
BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**ROBB ANTHONY BENITEZ**

15749 Amston Ct.  
Chino Hills, CA 91709-8803

Associate Clinical Social Worker Registration  
No. ASW 89804

Respondent.

Case No. 2002021002929

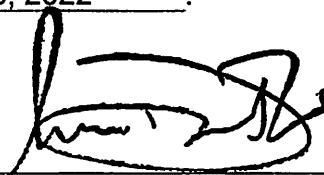
OAH No. 2022010420

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Behavioral Sciences, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 3, 2022.

It is so ORDERED October 4, 2022.



\_\_\_\_\_  
FOR THE BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS

1 ROB BONTA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*  
7

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9 **BOARD OF BEHAVIORAL SCIENCES**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

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Case No. 2002021002929

13 **ROBB ANTHONY BENITEZ**  
15749 Amston Ct.  
14 Chino Hills, CA 91709-8803

OAH No. 2022010420

15 Associate Clinical Social Worker Registration  
16 No. ASW 89804

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17 Respondent.  
18

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Steve Sodergren (Complainant) is the Executive Officer of the Board of Behavioral  
23 Sciences (Board). He brought this action solely in his official capacity and is represented in this  
24 matter by Rob Bonta, Attorney General of the State of California, by Heather Vo, Deputy  
25 Attorney General.

26 2. Robb Anthony Benitez (Respondent) is represented in this proceeding by attorney  
27 Edward O. Lear, Esq., whose address is: 5200 West Century Blvd., Suite 345, Los Angeles, CA  
28 90045.

3. On or about June 27, 2019, the Board issued Associate Clinical Social Worker Registration No. ASW 89804 to Respondent. The Associate Clinical Social Worker Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 2002021002929, and will expire on June 30, 2023, unless renewed.

## JURISDICTION

4. Accusation No. 2002021002929 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 8, 2021. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 2002021002929 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2002021002929. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

**CULPABILITY**

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2002021002929.

10. Respondent agrees that his Associate Clinical Social Worker Registration is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Behavioral Sciences. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Behavioral Sciences may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Associate Clinical Social Worker Registration No. ASW 89804 issued to Respondent is revoked. The revocation is stayed and Respondent is placed on three (3) years probation with the following terms and conditions. Probation shall continue on the same terms and conditions if Respondent is granted another registration or license regulated by the Board.

For the purposes of this ORDER, and consistent with Business and Professions Code section 23.7, all references to the word "license" contained in any term or condition below shall also be interpreted as meaning "registration".

**1. Psychotherapy**

Respondent shall participate in ongoing psychotherapy with a California licensed mental health professional who has been approved by the Board. Within 15 days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval the name and qualifications of one or more therapists of Respondent's choice. Such therapist shall possess a valid California license to practice and shall have had no prior business, professional, or personal relationship with Respondent, and shall not be Respondent's supervisor. Counseling shall be at least once a week unless otherwise determined by the Board. Respondent shall continue in such therapy at the Board's discretion. Cost of such therapy is to be borne by Respondent.

Respondent may, after receiving the Board's written permission, receive therapy via videoconferencing if Respondent's good faith attempts to secure face-to-face counseling are unsuccessful due to the unavailability of qualified mental health care professionals in the area. The Board may require that Respondent provide written documentation of his good faith attempts to secure counseling via videoconferencing.

Respondent shall provide the therapist with a copy of the Board's Decision no later than the first counseling session. Upon approval by the Board, Respondent shall undergo and continue treatment until the Board or its designee determines that no further psychotherapy is necessary.

Respondent shall take all necessary steps to ensure that the treating psychotherapist submits

1 quarterly written reports to the Board concerning Respondent's fitness to practice, progress in  
2 treatment, and to provide such other information as may be required by the Board. Respondent  
3 shall execute a Release of Information authorizing the therapist to divulge information to the  
4 Board.

5 If the treating psychotherapist finds that Respondent cannot practice safely or  
6 independently, the psychotherapist shall notify the Board within three (3) working days. Upon  
7 notification by the Board, Respondent shall immediately cease practice and shall not resume  
8 practice until notified by the Board or its designee that Respondent may do so. Respondent shall  
9 not thereafter engage in any practice for which a license issued by the Board is required until the  
10 Board or its designee has notified Respondent that he may resume practice. Respondent shall  
11 document compliance with this condition in the manner required by the Board.

## 12 2. Supervised Practice

13 Upon initial license issuance, Respondent shall submit to the Board or its designee, for its  
14 prior approval, the name and qualification of one or more proposed supervisors and a plan by  
15 each supervisor. The supervisor shall be a current California licensed practitioner in  
16 Respondent's field of practice, who shall submit written reports to the Board or its designee on a  
17 quarterly basis verifying that supervision has taken place as required and including an evaluation  
18 of Respondent's performance. The supervisor shall be independent, with no prior business,  
19 professional or personal relationship with Respondent.

20 If Respondent is unable to secure a supervisor in his field of practice due to the  
21 unavailability of mental health care professionals in the area, then the Board may consider the  
22 following options for satisfying this probationary term:

- 23 (1) Permitting Respondent to receive supervision via videoconferencing; or,
- 24 (2) Permitting Respondent to secure a supervisor not in Respondent's field of practice.

25 The forgoing options shall be considered and exhausted by the Board in the order listed  
26 above. The Board may require that Respondent provide written documentation of his good faith  
27 attempts to secure face-to-face supervision, supervision via videoconferencing or to locate a  
28 mental health professional that is licensed in Respondent's field of practice.

1 Respondent shall complete any required consent forms and sign an agreement with the  
2 supervisor and the Board regarding Respondent and the supervisor's requirements and reporting  
3 responsibilities. Failure to file the required reports in a timely fashion shall be a violation of  
4 probation. Respondent shall give the supervisor access to Respondent's fiscal and client records.  
5 Supervision obtained from a probation supervisor shall not be used as experience gained toward  
6 licensure.

7 If the supervisor is no longer available, Respondent shall notify the Board within 15 days  
8 and shall not practice until a new supervisor has been approved by the Board. All costs of the  
9 supervision shall be borne by Respondent. Supervision shall consist of at least one (1) hour per  
10 week in individual face to face meetings. The supervisor shall not be Respondent's therapist.

### 11 3. Education

12 Respondent shall take and successfully complete the equivalency of 2 semester units in  
13 substance use/abuse. All course work shall be taken at the graduate level at an accredited or  
14 approved educational institution that offers a qualifying degree for licensure as a marriage and  
15 family therapist, clinical social worker, educational psychologist, or professional clinical  
16 counselor or through a course approved by the Board. Classroom attendance must be specifically  
17 required. Course content shall be pertinent to the violation and all course work must be completed  
18 within 18 months (or as approved by the Board) from the effective date of this Decision.

19 Within 90 days of the effective date of the Decision Respondent shall submit a plan for  
20 prior Board approval for meeting these educational requirements. All costs of the course work  
21 shall be paid by Respondent. Units obtained for an approved course shall not be used for  
22 continuing education units required for renewal of licensure.

### 23 4. Clinical Diagnostic Evaluation

24 Within twenty (20) days of the effective date of the Decision and at any time upon order  
25 of the Board, Respondent shall undergo a clinical diagnostic evaluation. Respondent shall provide  
26 the evaluator with a copy of the Board's Decision prior to the clinical diagnostic evaluation being  
27 performed.

28 Any time the Respondent is ordered to undergo a clinical diagnostic evaluation, his

1 license shall be automatically suspended for a minimum of one month pending the results of a  
2 clinical diagnostic evaluation. During such time, the Respondent shall submit to random drug  
3 testing at least two (2) times per week.

4 Respondent shall cause the evaluator to submit to the Board a written clinical diagnostic  
5 evaluation report within ten (10) days from the date the evaluation was completed, unless an  
6 extension, not to exceed thirty (30) days, is granted to the evaluator by the Board. Cost of such  
7 evaluation shall be paid by the Respondent.

8 Respondent's license shall remain suspended until the Board determines that he is able to  
9 safely practice either full-time or part-time and has had at least one month of negative drug test  
10 results. Respondent shall comply with any restrictions or recommendations made by the Board as  
11 a result of the clinical diagnostic evaluation.

12 **5. Dependency Support Program**

13 Respondent shall attend a dependency support program approved by the Board no less  
14 than 3 times per week. Respondent shall provide proof of attendance at said program with each  
15 quarterly report that Respondent submits during the period of probation. Failure to attend, or to  
16 show proof of such attendance, shall constitute a violation of probation.

17 **6. Abstain from Controlled Substances / Submit Drug and Alcohol Testing**

18 Respondent shall completely abstain from the use or possession of controlled or illegal  
19 substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

20 Respondent shall immediately submit to random and directed drug and alcohol testing, at  
21 Respondent's cost, upon request by the Board or its designee. Respondent shall be subject to a  
22 minimum number of random tests per year for the duration of the probationary term, as  
23 prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no  
24 confidentiality in test results. Any confirmed positive finding will be immediately reported to  
25 Respondent, Respondent's current employer, and the supervisor, if any, and shall be a violation of  
26 probation.

27 If Respondent tests positive for a controlled substance, Respondent's license shall be  
28 automatically suspended. Respondent shall make daily contact as directed by the Board to



1 determine if he must submit to testing. Respondent shall submit his test on the same day that he  
2 is notified that a test is required. All alternative testing sites due to vacation or travel outside of  
3 California must be approved by the Board prior to the vacation or travel.

4 **7. Abstain from Use of Alcohol / Submit to Alcohol and Drug Testing**

5 Respondent shall completely abstain from the intake of alcohol during the period of  
6 probation.

7 Respondent shall immediately submit to random and directed drug and alcohol testing, at  
8 Respondent's cost, upon request by the Board or its designee. Respondent shall be subject to a  
9 minimum number of random tests per year for the duration of the probationary term, as  
10 prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no  
11 confidentiality in test results. Any confirmed positive finding will be immediately reported to  
12 Respondent, Respondent's current employer, and to the supervisor, if any, and shall be a violation  
13 of probation.

14 If Respondent tests positive for alcohol and/or a controlled substance, Respondent's license  
15 shall be automatically suspended. Respondent shall make daily contact as directed by the Board  
16 to determine if he must submit to testing. Respondent shall submit his test on the same day that  
17 he is notified that a test is required. All alternative testing sites due to vacation or travel outside  
18 of California must be approved by the Board prior to the vacation or travel.

19 **8. Obey All Laws**

20 Respondent shall obey all federal, state and local laws, all statutes and regulations  
21 governing the licensee, and remain in full compliance with any court ordered criminal probation,  
22 payments and other orders. A full and detailed account of any and all violations of law shall be  
23 reported by Respondent to the Board or its designee in writing within seventy-two (72) hours of  
24 occurrence. To permit monitoring of compliance with this term, Respondent shall submit  
25 fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days  
26 of the effective date of the Decision, unless previously submitted as part of the licensure  
27 application process. Respondent shall pay the cost associated with the fingerprint process.

1           **9. File Quarterly Reports**

2           Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the  
3           "Quarterly Report Form" (rev. 07/2016). Respondent shall state under penalty of perjury whether  
4           he has been in compliance with all the conditions of probation. Notwithstanding any provision  
5           for tolling of requirements of probation, during the cessation of practice Respondent shall  
6           continue to submit quarterly reports under penalty of perjury.

7           **10. Comply with Probation Program**

8           Respondent shall comply with the probation program established by the Board and  
9           cooperate with representatives of the Board in its monitoring and investigation of Respondent's  
10          compliance with the program.

11          **11. Interviews with the Board**

12          Respondent shall appear in person for interviews with the Board or its designee upon  
13          request at various intervals and with reasonable notice.

14          **12. Failure to Practice**

15          In the event Respondent stops practicing in California, Respondent shall notify the Board or  
16          its designee in writing within 30 calendar days prior to the dates of non-practice and return to  
17          practice. Non-practice is defined as any period of time exceeding thirty calendar days in which  
18          Respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or  
19          4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this  
20          condition, will not apply to the reduction of the probationary term and will relieve Respondent of  
21          the responsibility to comply with the probationary terms and conditions with the exception of this  
22          condition and the following terms and conditions of probation: Obey All Laws; File Quarterly  
23          Reports; Comply With Probation Program; Maintain Valid License; and Cost Recovery.  
24          Respondent's license shall be subject to cancellation if Respondent's period of non-practice total  
25          two years.

26          **13. Change of Place of Employment or Place of Residence**

27          Respondent shall notify the Board or its designee in writing within 30 days of any change  
28          of place of employment or place of residence. The written notice shall include the address, the

1 telephone number and the date of the change.

2 **14. Supervision of Unlicensed Persons**

3 While on probation, Respondent shall not act as a supervisor for any hours of supervised  
4 practice required for any license issued by the Board. Respondent shall terminate any such  
5 supervisorial relationship in existence on the effective date of this Decision.

6 **15. Notification to Clients**

7 Respondent shall notify all clients when any term or condition of probation will affect their  
8 therapy or the confidentiality of their records, including but not limited to supervised practice,  
9 suspension, or client population restriction. Such notification shall be signed by each client prior  
10 to continuing or commencing treatment. Respondent shall submit, upon request by the Board or  
11 its designee, satisfactory evidence of compliance with this term of probation.

12 **16. Notification to Employer**

13 Respondent shall provide each of his current or future employers, when performing services  
14 that fall within the scope of practice of his license, a copy of this Decision and the Statement of  
15 Issues or Accusation before commencing employment. Notification to Respondent's current  
16 employer shall occur no later than the effective date of the Decision or immediately upon  
17 commencing employment. Respondent shall submit, upon request by the Board or its designee,  
18 satisfactory evidence of compliance with this term of probation.

19 Respondent shall provide to the Board the names, physical addresses, and telephone  
20 numbers of all employers, supervisors, and contractors.

21 Respondent shall complete the required consent forms and sign an agreement with the  
22 employer and supervisor, or contractor, and the Board to allow the Board to communicate with  
23 the employer and supervisor or contractor regarding the licensee's work status, performance, and  
24 monitoring.

25 **17. Violation of Probation**

26 If Respondent violates the conditions of his probation, the Board, after giving Respondent  
27 notice and the opportunity to be heard, may set aside the stay order and impose the discipline  
28 (revocation) of Respondent's license provided in the Decision.

1 If during the period of probation, an accusation, petition to revoke probation, or statement  
2 of issues has been filed against Respondent's license or application for licensure, or the Attorney  
3 General's office has been requested to prepare such an accusation, petition to revoke probation, or  
4 statement of issues, the probation period set forth in this Decision shall be automatically extended  
5 and shall not expire until the accusation, petition to revoke probation, or statement of issues has  
6 been acted upon by the board. Upon successful completion of probation, Respondent's license  
7 shall be fully restored.

8 **18. Maintain Valid License**

9 Respondent shall, at all times while on probation, maintain a current and active license with  
10 the Board, including any period during which suspension or probation is tolled. Should  
11 Respondent's license, by operation of law or otherwise, expire, upon renewal Respondent's  
12 license shall be subject to any and all terms of this probation not previously satisfied.

13 **19. License Surrender**

14 Following the effective date of this Decision, if Respondent ceases practicing due to  
15 retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of  
16 probation, Respondent may voluntarily request the surrender of his license to the Board. The  
17 Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to  
18 grant the request or to take any other action deemed appropriate and reasonable under the  
19 circumstances. Upon formal acceptance of the surrender, Respondent shall within 30 calendar  
20 days deliver Respondent's license and certificate and if applicable wall certificate to the Board or  
21 its designee and Respondent shall no longer engage in any practice for which a license is  
22 required. Upon formal acceptance of the tendered license, Respondent will no longer be subject  
23 to the terms and conditions of probation.

24 Voluntary surrender of Respondent's license shall be considered to be a disciplinary action  
25 and shall become a part of Respondent's license history with the Board. Respondent may not  
26 petition the Board for reinstatement of the surrendered license. Should Respondent at any time  
27 after voluntary surrender ever reapply to the Board for licensure Respondent must meet all  
28 current requirements for licensure including, but not limited to, filing a current application,

1 meeting all current educational and experience requirements, and taking and passing any and all  
2 examinations required of new applicants.

3       **20. Instruction of Coursework Qualifying for Continuing Education**

4       Respondent shall not be an instructor of any coursework for continuing education credit  
5 required by any license issued by the Board.

6       **21. Notification to Referral Services**

7       Respondent shall immediately send a copy of this Decision to all referral services registered  
8 with the Board in which Respondent is a participant. While on probation, Respondent shall send  
9 a copy of this Decision to all referral services registered with the Board that Respondent seeks to  
10 join.

11       **22. Reimbursement of Probation Program**

12       Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to  
13 ensure compliance for the duration of the probation period. Reimbursement costs shall be  
14 \$1,200.00 per year.

15       **23. Cost Recovery**

16       Respondent shall pay the Board \$3,737.00 as and for the reasonable costs of the  
17 investigation and prosecution of Case No. 2002021002929. Respondent shall make such  
18 payments in accordance with a payment plan outlined by the Board. Respondent shall make the  
19 check or money order payable to the Board of Behavioral Sciences and shall indicate on the  
20 check or money order that it is the cost recovery payment for Case No. 2002021002929. Any  
21 order for payment of cost recovery shall remain in effect whether or not probation is tolled.  
22 Probation shall not terminate until full payment has been made. Should any part of cost recovery  
23 not be paid in accordance with the outlined payment schedule, Respondent shall be considered to  
24 be in violation of probation. A period of non-practice by Respondent shall not relieve  
25 Respondent of his obligation to reimburse the Board for its costs.

26       Cost recovery must be completed six months prior to the termination of probation. A  
27 payment plan authorized by the Board may be extended at the discretion of the Enforcement  
28 Manager based on good cause shown by the probationer.

1 ACCEPTANCE

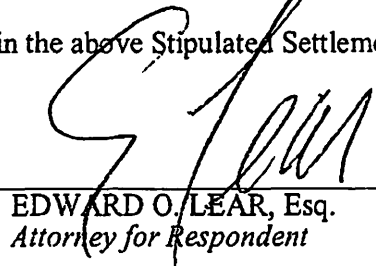
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
3 discussed it with my attorney, Edward O. Lear, Esq. I understand the stipulation and the effect it  
4 will have on my Associate Clinical Social Worker Registration. I enter into this Stipulated  
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
6 bound by the Decision and Order of the Board of Behavioral Sciences.

7  
8 DATED: 9/22/2022

  
9 ROBB ANTHONY BENITEZ  
Respondent

10  
11 I have read and fully discussed with Respondent Robb Anthony Benitez the terms and  
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
13 I approve its form and content.

14 DATED: 9/23/22

  
15 EDWARD O. LEAR, Esq.  
Attorney for Respondent

16  
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Board of Behavioral Sciences.

20 DATED: September 29, 2022

21 Respectfully submitted,

22 ROB BONTA  
Attorney General of California  
23 THOMAS L. RINALDI  
Supervising Deputy Attorney General

24 *Heather Vo*

25 HEATHER VO  
26 Deputy Attorney General  
Attorneys for Complainant

27  
28 LA2021603932 / 65058408\_6.docx

**Exhibit A**

**Accusation No. 2002021002929**

1 ROB BONTA  
Attorney General of California  
2 KIM KASRELIOVICH  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*  
7

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Case No. 2002021002929

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**ACCUSATION**

14 Associate Clinical Social Worker Registration  
15 No. ASW 89804

16 Respondent.

17  
18 **PARTIES**

19 1. Steve Sodergren (Complainant) brings this Accusation solely in his official capacity  
20 as the Executive Officer of the Board of Behavioral Sciences (Board), Department of Consumer  
21 Affairs.

22 2. On or about June 27, 2019, the Board issued Associate Clinical Social Worker  
23 Registration Number ASW 89804 to Robb Anthony Benitez (Respondent). The Associate  
24 Clinical Social Worker Registration was in full force and effect at all times relevant to the charges  
25 brought herein and will expire on June 30, 2022, unless renewed.

26 ///

27 ///

28 ///



1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license  
5 shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period  
6 within which the license may be renewed, restored, reissued or reinstated.

7 5. Section 4990.33 states:

8 Notwithstanding any other law, except as provided in Section 4990.32, the  
9 expiration, cancellation, forfeiture, or suspension of a license, registration, or other  
10 authority to practice by operation of law or by order or decision of the board or a  
11 court of law, the placement of a license on a retired status, or the voluntary surrender  
12 of a license or registration by a licensee or registrant, of any license or registration  
within the authority of the board, shall not deprive the board of jurisdiction to  
commence or proceed with any investigation of, or action or disciplinary proceeding  
against, the licensee or registrant or to render a decision suspending or revoking the  
license or registration.

13 **STATUTORY PROVISIONS**

14 6. Section 4992.3 states, in pertinent part:

15 The board may deny a license or a registration, or may suspend or revoke the  
16 license or registration of a licensee or registrant if the licensee or registrant has been  
17 guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited  
to, the following:

18 . . . .

19 (c) Administering to themselves any controlled substance or using any of the  
20 dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or  
21 in a manner, as to be dangerous or injurious to the person applying for a registration  
22 or license or holding a registration or license under this chapter, or to any other  
23 person, or to the public, or, to the extent that the use impairs the ability of the person  
24 applying for or holding a registration or license to conduct with safety to the public  
the practice authorized by the registration or license. The board shall deny an  
application for a registration or license or revoke the license or registration of any  
person who uses or offers to use drugs in the course of performing clinical social  
work. This provision does not apply to any person also licensed as a physician and  
surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act  
who lawfully prescribes drugs to a patient under the person's care.

25 . . . .

26 (f) Violating, attempting to violate, or conspiring to violate this chapter or any  
27 regulation adopted by the board.

28 ///

1 **REGULATORY PROVISIONS**

2 7. California Code of Regulations, title 16, section 1812 states in pertinent part:

3 For purposes of denial, suspension, or revocation of a license or registration  
4 pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act  
5 shall be considered to be substantially related to the qualifications, functions or duties  
6 of a person holding a license under Chapters 13, 13.5, 14, and 16 of Division 2 of the  
Code if to a substantial degree it evidences present or potential unfitness of a person  
holding a license to perform the functions authorized by his or her license in a manner  
consistent with the public health, safety or welfare.

7 **COST RECOVERY**

8 8. Section 125.3 provides, in pertinent part, that the Board may request the  
9 administrative law judge to direct a licentiate found to have committed a violation or violations of  
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
11 enforcement of the case.

12 9. **CONTROLLED SUBSTANCE/ DANGEROUS DRUGS**

13 a. "Adderall," contains a combination of amphetamine and dextroamphetamine.  
14 Amphetamine and dextroamphetamine are central nervous system stimulants that affect  
15 chemicals in the brain and nerves that contribute to hyperactivity and impulse control. It is used to  
16 treat attention deficit hyperactivity disorder (ADHD) and narcolepsy. It is categorized as a  
17 dangerous drug according to Business and Professions Code section 4022.

18 b. "Cocaine," is a narcotic drug according to Health and Safety Code section 11019,  
19 subdivision (e). It is a Schedule I controlled substance, as designated in Health and Safety Code  
20 section 11054, subdivision (f)(1), and a Schedule II controlled substance, as designated in Health  
21 and Safety Code section 11055, subdivision (b)(6). It is categorized as a dangerous drug  
22 according to Business and Professions Code section 4022.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Use/Under the Influence of Controlled Substances and/or Dangerous Drugs)**

25 10. Respondent is subject to disciplinary action under section 4992.3, subdivision (c), on  
26 the grounds of unprofessional conduct in that Respondent used and/or was under the influence of  
27 a controlled substance and/or dangerous drug. Specifically, on or about May 10, 2021, while  
28 working at Montclair Hospital Medical Center, Respondent was observed sleeping at his desk.

1 When contact was made with Respondent, he appeared lethargic and was slow to answer  
2 questions. Respondent was asked to submit to a drug screening where he tested positive for  
3 cocaine, amphetamine and benzodiazepine. Respondent was subsequently terminated for  
4 violating the hospital's drug free work environment policy. In a response to a Board inquiry,  
5 Respondent admitted to inhaling four lines of cocaine and taking a 10 mg pill of Adderall on the  
6 night of May 8, 2021.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct)**

9 11. Respondent is subject to disciplinary action pursuant to section 4992.3, subdivision  
10 (f), in that, Respondent committed acts which constitutes unprofessional conduct. Complainant  
11 refers to and by this reference incorporates, the allegations set forth above in paragraph 10, as  
12 though set forth fully.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing, the Board of Behavioral Sciences issue a decision:

16 1. Revoking or suspending Associate Clinical Social Worker Registration Number ASW  
17 89804, issued to Robb Anthony Benitez;

18 2. Ordering Robb Anthony Benitez to pay the Board of Behavioral Sciences the  
19 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
20 Professions Code section 125.3; and,

21 3. Taking such other and further action as deemed necessary and proper.  
22  
23

24 DATED: December 3, 2021

*Steve Sodergren*

STEVE SODERGREN  
Executive Officer  
Board of Behavioral Sciences  
Department of Consumer Affairs  
State of California  
Complainant

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